IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA SAVANNAH DIVISION

)
UNITED STATES OF AMERICA,)
v.))
RAPHAEL SMITH,	No.: 4:21-CR-111-RSB-CRR
Defendant.)
)

UNOPPOSED MOTION TO CONTINUE <u>EVIDENTIARY HEARING</u>

COMES NOW, the Defendant above-named, by and through undersigned counsel, and files this Unopposed Motion to Continue Evidentiary Hearing. In support thereof, Defendant shows as follows:

- 1. An evidentiary hearing on the Defendant's Motions; First Motion to Suppress Search Warrant and Other Evidence [Doc. 341], First Motion to Exclude from Wiretap [Doc. 371], and First Motion to Exclude Evidence Seized from Search of Cell Phones [Doc. 372] are currently scheduled on Friday, October 7, 2022, at 9:00 AM.
- 2. Undersigned counsel is ill with flu-like symptoms and unable to appear at the hearing.

3. The Defendant requests that the Court grant his request and enter an Order continuing the Evidentiary hearing to a later date.

4. The Government is unopposed to the Defendant's Motion to Continue Evidentiary Hearing.

WHEREFORE, based upon the within and foregoing, the Defendant respectfully requests that this Court grant his Unopposed Motion to Continue Evidentiary Hearing and to toll the appropriate amount of time pursuant to the Speedy Trial Act pursuant to 18 U.S.C. § 3161 (7)(A).

This 7th day of October 2022.

Respectfully submitted,

/s/ Bruce S. Harvey

LAW OFFICE OF BRUCE S. HARVEY ATTORNEYS FOR DEFENDANT Bruce S. Harvey, #335175 146 Nassau Street, NW Atlanta, Georgia 30303 (404) 659-4628

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing Unopposed Motion to Continue Evidentiary Hearing using the Court's CM/ECF system which will deliver a copy to all registered to receive service via CM/ECF, addressed as follows:

Frank Pennington, AUSA U.S. Attorney's Office - Savannah P.O. Box 8970 22 Barnard Street, Suite 300 Savannah, GA 31401

This 7th day of October 2022.

/s/ Bruce S. Harvey
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